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Question of Palestine

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Peaceful settlement of the question of Palestine

The General Assembly,

Recalling its relevant resolutions, including those adopted at its tenth emergency special session,

Recalling also its resolution 58/292 of 6 May 2004,

Recalling further relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002, 1515 (2003) of 19 November 2003, 1544 (2004) of 19 May 2004 and 1850 (2008) of 16 December 2008,

Welcoming the affirmation by the Security Council of the vision of a region where two States, Israel and Palestine, live side by side within secure and recognized borders,

Noting with concern that it has been more than sixty years since the adoption of resolution 181 (II) of 29 November 1947 and forty-two years since the occupation of Palestinian territory, including East Jerusalem, in 1967,

Having considered the report of the Secretary-General submitted pursuant to the request made in its resolution 63/29 of 26 November 2008,[1]

Reaffirming the permanent responsibility of the United Nations with regard to the question of Palestine until the question is resolved in all its aspects in accordance with international law,

[1] A/64/351-S/2009/464.

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Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,[2] and recalling also its resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

Convinced that achieving a just, lasting and comprehensive settlement of the question of Palestine, the core of the Arab-Israeli conflict, is imperative for the attainment of comprehensive and lasting peace and stability in the Middle East,

Aware that the principle of equal rights and self-determination of peoples is among the purposes and principles enshrined in the Charter of the United Nations,

Affirming the principle of the inadmissibility of the acquisition of territory by war,

Recalling its resolution 2625 (XXV) of 24 October 1970,

Reaffirming the illegality of the Israeli settlements in the Palestinian territory occupied since 1967, including East Jerusalem,

Stressing the detrimental impact of Israeli settlement policies, decisions and activities on the efforts to resume the peace process and to achieve peace in the Middle East,

Reaffirming the illegality of Israeli actions aimed at changing the status of Jerusalem, including measures such as the so-called E-1 plan and all other unilateral measures aimed at altering the character, status and demographic composition of the city and the territory as a whole,

Reaffirming also that the construction by Israel, the occupying Power, of a wall in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime, are contrary to international law,

Expressing deep concern about the continuing Israeli policy of closures and severe restrictions on the movement of persons and goods, including medical and humanitarian personnel and goods, via the imposition of prolonged closures and severe economic and movement restrictions that in effect amount to a blockade, crossing closures, checkpoints and a permit regime throughout the Occupied Palestinian Territory, including East Jerusalem, and the consequent negative impact on the socio-economic situation of the Palestinian people, which remains that of a dire humanitarian crisis, as well as on efforts aimed at rehabilitating and developing the damaged Palestinian economy, and on the contiguity of the Territory,

Recalling the mutual recognition between the Government of the State of Israel and the Palestine Liberation Organization, the representative of the Palestinian people,[3] and the need for full compliance with the agreements concluded between the two sides,

Recalling also the endorsement by the Security Council, in resolution 1515 (2003), of the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,[4] and the call in resolution 1850 (2008) for the parties to fulfil

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[2] See A/ES-10/273 and Corr.1; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

[3] See A/48/486-S/26560, annex.

[4] S/2003/529, annex.

their obligations under the road map, as affirmed in their joint understanding reached at the Annapolis Conference of 27 November 2007, and to refrain from any steps that could undermine confidence or prejudice the outcome of negotiations,

Noting the Israeli withdrawal in 2005 from the Gaza Strip and parts of the northern West Bank and the dismantlement of the settlements therein as a step towards the implementation of the road map,

Recalling the Arab Peace Initiative adopted by the Council of the League of Arab States at its fourteenth session, held in Beirut on 27 and 28 March 2002,[5]

Expressing support for the agreed principles for bilateral negotiations, as affirmed by the parties at the Annapolis Conference, aimed at concluding a peace treaty resolving all outstanding issues, including all core issues, without exception, for the achievement of a just, lasting and peaceful settlement of the Israeli-Palestinian conflict and ultimately the Arab-Israeli conflict as a whole for the realization of a comprehensive peace in the Middle East,

Expressing support also for the convening of an international conference in Moscow, as envisioned by the Security Council in resolution 1850 (2008), for the advancement and acceleration of a resumed peace process,

Noting the important contribution to the peace process of the United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority, including in the framework of the activities of the Quartet,

Welcoming the reconvening of the Ad Hoc Liaison Committee for the Coordination of the International Assistance to Palestinians, under the chairmanship of Norway, at United Nations Headquarters on 22 September 2009, and affirming the importance of continued follow-up and fulfilment of pledges made at the International Conference in Support of the Palestinian Economy for the Reconstruction of Gaza, held at Sharm el-Sheikh, Egypt, in March 2009, for the provision of emergency assistance and support for reconstruction and economic recovery in the Gaza Strip and alleviation of the socio-economic and humanitarian crisis being faced by the Palestinian people, and acknowledging the contribution of the Palestinian-European Mechanism for the Management of Socio-Economic Aid of the European Commission in this regard,

Recognizing the efforts being undertaken by the Palestinian Authority, with international support, to rebuild, reform and strengthen its damaged institutions, emphasizing the need to preserve and develop the Palestinian institutions and infrastructure, and welcoming in this regard the Palestinian Authority's plan for constructing the institutions of a Palestinian State within a twenty-four month period as a demonstration of the serious commitment to an independent State that provides opportunity, justice and security for the Palestinian people and is a responsible neighbour to all States in the region,

Welcoming the efforts and progress made in the security sector by the Palestinian National Authority, calling upon the parties to continue cooperation benefiting both Palestinians and Israelis, in particular for promoting security and

[5] A/56/1026-S/2002/932, annex II, resolution 14/221.

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building confidence, and expressing the hope that such progress will be extended to all major population centres,

Reiterating its concern over the negative developments that have continued to occur in the Occupied Palestinian Territory, including East Jerusalem, including the large number of deaths and injuries, mostly among Palestinian civilians, the acts of violence and brutality committed against Palestinian civilians by Israeli settlers in the West Bank, the widespread destruction of public and private Palestinian property and infrastructure, the internal displacement of civilians and the serious deterioration of the socio-economic and humanitarian conditions of the Palestinian people,

Expressing grave concern in particular over the crisis in the Gaza Strip as a result of the continuing prolonged Israeli closures and severe economic and movement restrictions that in effect amount to a blockade and the military operations in the Gaza Strip between December 2008 and January 2009, which caused extensive loss of life and injury, particularly among Palestinian civilians, including children and women, the widespread damage and destruction to Palestinian homes, properties, vital infrastructure, public institutions, including hospitals, schools and United Nations facilities, and the internal displacement of civilians,

Stressing the need for the full implementation by all parties of Security Council resolution 1860 (2009) of 8 January 2009 and General Assembly resolution ES-10/18 of 16 January 2009,

Expressing concern over continuing military actions in the Occupied Palestinian Territory, including raids and arrest campaigns, and the continued imposition of hundreds of checkpoints and obstacles to movement in and around Palestinian population centres by the Israeli occupying forces, and emphasizing in this regard the need for the implementation by both sides of the Sharm el-Sheikh understandings,

Emphasizing the importance of the safety, protection and well-being of all civilians in the whole Middle East region, and condemning all acts of violence and terror against civilians on both sides,

Expressing concern over the unlawful takeover of Palestinian Authority institutions in the Gaza Strip in June 2007, and calling for the restoration of the situation to that which existed prior to June 2007 and for the continuation of the serious efforts being exerted by Egypt, the League of Arab States and other concerned parties for the promotion of dialogue towards reconciliation and the restoration of Palestinian national unity,

Stressing the urgent need for sustained and active international involvement, including by the Quartet, to support both parties in resuming, advancing and accelerating the peace process negotiations between the parties for the achievement of a just, lasting and comprehensive peace settlement, on the basis of United Nations resolutions, the road map and the Arab Peace Initiative,

Acknowledging the efforts being undertaken by civil society to promote a peaceful settlement of the question of Palestine,

Taking note of the findings by the International Court of Justice, in its advisory opinion, including on the urgent necessity for the United Nations as a whole to

redouble its efforts to bring the Israeli-Palestinian conflict, which continues to pose a threat to international peace and security, to a speedy conclusion, thereby establishing a just and lasting peace in the region,[6]

Affirming once again the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Reaffirms* the necessity of achieving a peaceful settlement of the question of Palestine, the core of the Arab-Israeli conflict, in all its aspects, and of intensifying all efforts towards that end;

2. *Also reaffirms* its full support for the Middle East peace process, based on the relevant United Nations resolutions, the Madrid terms of reference, including the principle of land for peace, the Arab Peace Initiative adopted by the Council of the League of Arab States at its fourteenth session,[5] and the Quartet road map,[4] and the existing agreements between the Israeli and Palestinian sides, stresses the necessity for the establishment of a comprehensive, just and lasting peace in the Middle East, and welcomes in this regard the ongoing efforts of the Quartet and of the League of Arab States;

3. *Encourages* continued serious regional and international efforts to follow up and promote the Arab Peace Initiative, including by the Ministerial Committee formed at the Riyadh summit in March 2007;

4. *Urges* the parties to undertake, with the support of the Quartet and the international community, immediate and concrete steps in follow-up to their joint understanding, reached at the Annapolis Conference of 27 November 2007, including through the resumption of active and serious bilateral negotiations;

5. *Encourages* in this regard the convening of an international conference in Moscow, as envisioned by the Security Council in resolution 1850 (2008), for the advancement and acceleration of a resumed peace process;

6. *Calls upon* both parties to act on their previous agreements and obligations, in particular adherence to the road map, irrespective of reciprocity, to create the conditions for the resumption of negotiations in the near term;

7. *Calls upon* the parties themselves, with the support of the Quartet and other interested parties, to exert all efforts necessary to halt the deterioration of the situation and to reverse all unilateral and unlawful measures taken on the ground since 28 September 2000;

8. *Underscores* the need for the parties to take confidence-building measures aimed at improving the situation on the ground, promoting stability and fostering the peace process, including the need for the further release of prisoners;

9. *Stresses* the need for a speedy end to the reoccupation of Palestinian population centres, inter alia, by easing movement and access, including by the removal of checkpoints and other obstructions to movement, and the need for respect and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem;

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[6] See A/ES-10/273 and Corr.1, advisory opinion, para. 161; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 36.

10. *Also stresses* the need for an immediate and complete cessation of all acts of violence, including military attacks, destruction and acts of terror;

11. *Reiterates its demand* for the full implementation of Security Council resolution 1860 (2009);

12. *Also reiterates* the need for the full implementation by both parties of the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, of 15 November 2005, and the need, in specific, to allow for the sustained opening of all crossings into and out of the Gaza Strip for humanitarian supplies, movement and access as well as for commercial flows and all necessary construction materials, which are essential for alleviating the dire humanitarian crisis, improving the living conditions of the Palestinian people and promoting the recovery of the Palestinian economy;

13. *Stresses* in this regard the urgent necessity for the advancement of reconstruction in the Gaza Strip, including through the completion of numerous suspended projects managed by the United Nations, according to the proposal of the Secretary-General, and the commencement of United Nations-led civilian reconstruction activities;

14. *Calls upon* Israel, the occupying Power, to comply strictly with its obligations under international law, including international humanitarian law, and to cease all of its measures that are contrary to international law and unilateral actions in the Occupied Palestinian Territory, including East Jerusalem, that are aimed at altering the character, status and demographic composition of the Territory, including via the de facto annexation of land, and thus at prejudging the final outcome of peace negotiations;

15. *Reiterates its demand* for the complete cessation of all Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls for the full implementation of the relevant Security Council resolutions;

16. *Calls* for the cessation of all provocations, including by Israeli settlers, in East Jerusalem, including in and around religious sites;

17. *Demands*, accordingly, that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion[2] and as demanded in resolutions ES-10/13 of 21 October 2003 and ES-10/15 and, inter alia, that it immediately cease its construction of the wall in the Occupied Palestinian Territory, including East Jerusalem, and calls upon all States Members of the United Nations to comply with their legal obligations, as mentioned in the advisory opinion;

18. *Reaffirms its commitment*, in accordance with international law, to the two-State solution of Israel and Palestine, living side by side in peace and security within recognized borders, based on the pre-1967 borders;

19. *Stresses* the need for:

(a) The withdrawal of Israel from the Palestinian territory occupied since 1967, including East Jerusalem;

(b) The realization of the inalienable rights of the Palestinian people, primarily the right to self-determination and the right to their independent State;

20. *Also stresses* the need for justly resolving the problem of Palestine refugees in conformity with its resolution 194 (III) of 11 December 1948;

21. *Calls upon* the parties to resume and accelerate direct peace negotiations towards the conclusion of a final peaceful settlement on the basis of relevant United Nations resolutions, especially of the Security Council, the terms of reference of the Madrid Conference, the road map and the Arab Peace Initiative;

22. *Urges* Member States to expedite the provision of economic, humanitarian and technical assistance to the Palestinian people and the Palestinian Authority during this critical period to help to alleviate the humanitarian crisis being faced by the Palestinian people, particularly in the Gaza Strip, to rehabilitate the Palestinian economy and infrastructure and to support the rebuilding, restructuring and reform of Palestinian institutions and Palestinian State-building efforts;

23. *Encourages*, in this regard, the continuing efforts of the Quartet's Special Representative, Tony Blair, to strengthen Palestinian institutions, promote Palestinian economic development and mobilize international donor support;

24. *Requests* the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, towards the attainment of a peaceful settlement of the question of Palestine and the promotion of peace in the region and to submit to the General Assembly at its sixty-fifth session a report on these efforts and on developments on this matter.